

House File 2210 - Introduced

HOUSE FILE 2210

BY SWAIM

A BILL FOR

- 1 An Act relating to notice of garnishment proceedings and
- 2 the seizure of moneys in a bank, credit union, or other
- 3 financial institution account.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 642.14, Code 2011, is amended to read as
2 follows:

3 **642.14 Notice.**

4 1. Judgment against the garnishee shall not be entered
5 until the principal defendant has had ten days' notice of the
6 garnishment proceedings, to be served in the same manner as
7 original notices.

8 a. If the subject of the garnishment is moneys in an
9 account in a bank, credit union, or other financial institution
10 owned by the principal defendant, the notice shall be served
11 simultaneously with the seizure of the moneys by the sheriff.

12 b. However, if ~~If~~ the subject of the garnishment is to
13 earnings owed the defendant by the garnishee, judgment may be
14 entered if notice to the defendant is served with the notice
15 of garnishment to the garnishee who shall deliver the notice
16 to the defendant with the remainder of or in lieu of the
17 defendant's earnings.

18 2. The garnishee shall state in answer to the service of
19 notice of garnishment whether or not service of notice was
20 delivered to the defendant.

21 3. The notice required by this section shall contain the
22 full text of section 630.3A.

23 EXPLANATION

24 Under Code chapter 642, once a plaintiff obtains judgment
25 and seeks execution on the judgment through garnishment
26 proceedings, the plaintiff must serve a notice of garnishment
27 on the defendant. This bill provides that if the subject of
28 the garnishment is moneys in a bank, credit union, or other
29 financial institution account owned by the principal defendant,
30 the notice shall be served simultaneously with the seizure of
31 the moneys by the sheriff.